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In re Application of:
INSALACO, et al.
U.S. Application No.: 10/526,654
PCT No.: PCT/US03/27584
International Filing Date: 04 September 2003
Priority Date: 04 September 2002
Atty Docket No.: HMI P119US1
For: RAIL SYSTEM

DECISION ON PETITION

The petition for revival under 37 CFR 1.137(b) filed 14 November 2006 in the above-captioned application is hereby **GRANTED** as follows:

Applicants' statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" satisfies the requirements of 37 CFR 1.137(b)(3).

Applicants' have submitted the required reply, that is, a proper response to the Notification Of Missing Requirements (Form PCT/DO/EO/905) mailed 11 October 2005, and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application is granted as to the national stage in the United States.

The present petition was accompanied by payment of a \$2,160 extension fee; however, an extension of time fee under 37 CFR 1.136(a) must be filed prior to the expiration of the maximum extendable reply period. See In re Application of S, 8 USPQ2d 1630, 1631 (Comm'r Pats 1988). Since the \$2,160 extension fee submitted with the present petition was filed after the maximum extendable period for reply, this fee is unnecessary and will be refunded to petitioner's deposit account.

Finally, it is noted that there appears to be a typographical error in the name of the fourth inventor as listed on the published international application. Specifically, the published international application identifies this inventor as Daniel W. HILLIS. However, the declaration filed by applicants herein on 14 November 2006 identifies this inventor as W. Daniel HILLIS; this is consistent with how the inventor was identified on the PCT Request (Form PCT/RO/101) filed to initiate the international application (the record does not indicate that this name was changed during the international phase).

This application is being referred to the National Stage Processing Division of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 14 November 2006.



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